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EXAMINER

RIAD, AMINE

ART UNIT PAPER NUMBER

2113

DATE MAILED: 10/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Detailed Action

Claims 1-27 have been presented for examination.

Claims 1,3,4,10,12,15,17,22,25,26, and 27 have been rejected.

Claims 5,6,7,8,9, 11,13,14,18,19,20,21,23, and 24 have been objected to.

Claims 2, and 16 have been cancelled.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title.

Claim 26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 26 recites a signal, which is a form of energy that is nonstatutory because it does not appear that a signal, encoded with functional descriptive material falls with any of the categories of patentable subject matter set forth in § 101. A claimed signal is clearly not a process under § 101 because it is not a series of steps.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,4,10,12,15,22,25,26, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Pickering US Patent 6,493,695.

Examiner notes: Pickering discloses an invention dealing with assigning agents to callers in a call center environment, and not in a SAN (storage area network) as described by applicant; nevertheless the claimed invention as recited by the independent claims are anticipated by Pickering, because the claims have broad scope and read on the reference.

In regard to claims 1, 25, 26 and 27,

Pickering discloses a method for allocating and reallocating management responsibility of manageable entities to agents (Examiner considers that the manageable entities are the calls generated by customers and the agents are the agent representatives) in a managed information network comprising:

- detecting a manageable entity requiring assignment of an agent for management responsibility of the manageable entity; (Column 3; lines 3-5)
- identifying a manageable entity type of the manageable entity requiring reassignment of management responsibility; (Column 3; lines 13-16)

- identifying a set of deployed agents in the managed information network, each of the agents having an agent type and operable to manage at least one manageable entity of a particular manageable entity type failover rules, the failover rules for designating, based on the type of the agent, failover agents types operable to manage the manageable entities corresponding to the agent type, the failover rules further responsive to compatibility associations between the manageable entity types and the agent types. (Column 4; lines 13-16); (Column 3; line 17)
- applying failover rules using the identified type of the manageable entity, the agent type of the managing agent and the compatibility associations to determine a primary agent from among the identified set of deployed agents for managing the manageable entity; (Column 3; lines 25-32)
- informing the determined primary agent of the responsibility for managing the manageable entity. (Column 3; lines 61-62 "The agent task thereby being assigned to the selected agents")

In regard to claim 4,

Pickering discloses the method of claim 2 wherein defining the failover rules further comprises defining an ordered set of rules, the ordered set of rules following a precedence. (Column 3; lines 29-31) In this passage Pickering cites rules which

inherently follow the order of precedence.

In regard to claim 10, and 22

Pickering discloses the method of claim 1 wherein detecting a manageable entity operable for assignment is preceded by steps comprising: monitoring the status of existing agents; and at least one of;
detecting availability of an existing agent. (Column 8 ;lines 66-67 to prevent another agent from handing the same customer inherently detects the availability of agent 226)

In regard to claim 12,

Pickering discloses the method of claim 1 wherein the agent types further include a hybrid agent operable to manage manageable entities of a plurality of manageable entity types. (Column 7; lines 55-58)

In regard to claim 15,

Pickering discloses a network management server having a network management application for allocating and reallocating management responsibility of manageable entities to agents in a managed information network comprising:
a failover processor, (Figure 5; item 502)
a memory (Figure 5; item 504)

an interface operable to communicate with agents, manageable entities, and network elements, (Figure 2; item 222)

- the failover processor operable to detect a manageable entity requiring assignment of an agent for management responsibility of the manageable entity; (Column 3; lines 3-5)
- a compatibility association table for identifying a manageable entity type of the manageable entity requiring reassignment of management responsibility; an agent configuration table operable to store information to identify a set of deployed agents in the managed information network (Figure 2; item 228), each of the agents having an agent type and operable to manage at least one manageable entity of a particular manageable entity type; (Column 3; lines 13-16 a set of failover rules, the failover processor operable to apply the failover rules using the identified type of the manageable entity, the agent type of the managing agent and the compatibility associations to determine a primary agent from among the identified set of deployed agents for managing the manageable entity, the failover processor further operable to inform the determined primary agent of the responsibility for managing the manageable entity. (Column 3; lines 25-32)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Pickering in view of Cohen US Patent Application Publication 2002/0067822.

In regard to claims 3, and 17,

Pickering discloses the method for allocating and reallocating management responsibility, and also discloses the failover rules as discussed in parent claims 1 and 2.

Pickering does not disclose that an ordered failover chain of agent types compatible to manage the manageable entities corresponding to the identified agent type is defined for each identified agent type, and that the ordered failover is indicative of a priority of agent types, and the compatibility is determined by the compatibility associations.

Cohen teaches this feature. (Page 2; paragraph 15 "each agent's skills are prioritized according to his or her level of expertise in that skill, and agents may be" this expertise level is considered as a priority of agents types)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an ordered failover chain of agent types feature of Cohen in the managed information network of Pickering.

One of ordinary skill in the art at the time the invention was made would have been motivated to make the combination because, Cohen discloses in the Background (Page

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1; paragraph 2) "it allows each agent to be placed into a number of different service categories based on the skill types supported by that agent".)

Allowable Subject Matter

Claims 5,6,7,8,9, 11,13,14,18,19,20,21,23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Applicant's Argument

Applicant arguments filed on September 1, 2006 have been fully considered, and are not persuasive.

In regard to the first argument in which the Applicant states that "Pickering makes no showing, teaching, or disclosure, alone or in combination, of agent types, nor of compatibility associations between agent types and manageable entity types" Examiner respectfully disagrees. Examiner points Applicant to the passage where Pickering discloses "the rule-based engine selecting the at least one agent or the at least one queue by matching the customer data to the agent characteristics may include one or more criteria such as the agent's availability, skill sets, proficiency, languages spoken and experience" Examiner considers that the rule based engine is the engine which sets the rules of compatibility, in addition when Pickering mentions skill sets, proficiency, language spoken and experience, Pickering clearly shows that these are types of agents.

In regard to the second argument in which the applicant states "Pickering

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discloses no qualitative distinctions of agent types, and appears to distinguish between customer requests only via the common data structure containing the customer requests. The present application is distinguishable because the claimed system defines compatibility associations between different types of agents and manageable entities" Examiner respectfully disagrees. Examiner considers agent's availability, proficiency, language spoken and experience as qualitative distinctions of agent types, which differentiate between all the agents.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amine Riad whose telephone number is 571-272-8185. The examiner can normally be reached on 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Amine Riad
Patent Examiner

Robert M. Beauchamp
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